



## U.S. Department of Justice

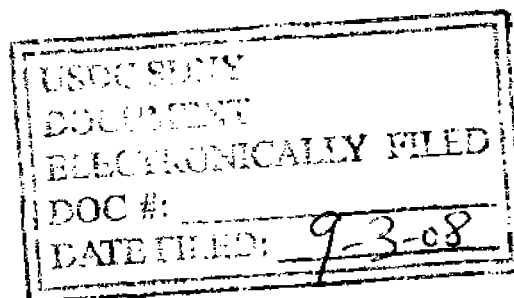
United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 3, 2008

**BY FAX**

The Honorable John F. Keenan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: *United States v. Victor Melendez, et al.*,  
08 Cr. 581 (JFK)

Dear Judge Keenan:

I am writing to seek to adjourn a pre-trial conference and to exclude time in the above-referenced case. At a pre-trial conference on July 8, 2008, Your Honor set a pre-trial conference for September 4, 2008 at 10:15 am. Since that time, the Government has produced discovery, including voluminous recordings of telephone calls intercepted pursuant to court-authorized Title-III wiretap orders, and the Government expects to produce additional discovery, including DVDs containing many hours of physical surveillance. Additionally, the Government expects shortly to make the intercepted calls, draft line-sheets of those calls and DVDs of physical surveillance available to those defendants who are presently incarcerated. Additionally, the Government has been involved with plea negotiations with multiple defendants.

I have spoken with all defense counsel in this case and understand that, at the September 4 pre-trial conference, they would ask for additional time to continue to review discovery, consider what, if any, motions to make, and continue plea discussions. Accordingly, we respectfully request an adjournment until October 16, 2008 at 10:00 am – at which time Your Honor's courtroom deputy has informed me the Court is available – to allow the defendants and their counsel to review discovery, consider pre-trial motions and continue plea negotiations.

Additionally, the Government respectfully requests that time be excluded until the next pre-trial conference under the Speedy Trial Act, Title 18, United States Code, Section 3161, *et seq.* so that the parties may continue to discuss disposition, defendants who choose to do so can prepare for and enter pleas, and the defendants and defense counsel may review discovery and otherwise prepare for motion practice and trial.

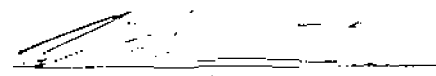
Hon. John F. Keenan  
September 3, 2008  
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I have spoken with defense counsel for all of the defendants, who have consented to the adjournment and exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

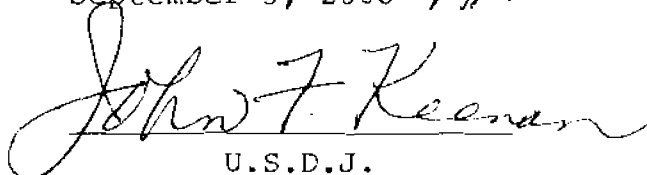
  
Michael D. Maimin  
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(212) 637-2238

cc: Alexei Marc Schacht, Esq. (counsel for Victor Melendez) (by e-mail)  
Donald J. Yanella, Esq. (counsel for Jorge Briones) (by e-mail)  
Jesse M. Siegel, Esq. (counsel for Luis Pestano) (by e-mail)  
Stanislao A. Germán, Esq. (counsel for Jesus Mena-Cancel) (by e-mail)  
Louis V. Fasulo, Esq. (counsel for Manuel Baez) (by e-mail)  
Stephanie Carvlin, Esq. (counsel for Juan Carlos Brito) (by e-mail)

The application is granted.  
The conference is adjourned until  
October 16, 2008 at 10.00 am. Time  
is excluded.

SO ORDERED.

Dated: New York, N.Y. 11AM  
September 3, 2008

  
U.S.D.J.